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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER PARRY, CHRISTOPHER L	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/726,126	<b>Applicant(s)</b> OMOIGUI, NOSAKHARE D.	
	<b>Examiner</b> CHRIS PARRY	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-21, 23-32 and 34-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-21, 23-32 and 34-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/19/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to Claims 1-12, 14-21, 23-32, and 34-42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 19 February 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of patent number US 6,694,532 B1 has been reviewed.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock et al. "Chernock" (USPN 6,813,776) [of record] in view of Boyer et al. "Boyer" (US Pub. No. 2005/0138660).

Regarding Claim 1, Chernock teaches a method comprising:

receiving source information (i.e., scheduling and program description information) from at least one source (i.e., broadcast television) of one or more

television programs, the source information describing one or more broadcast events (i.e., keywords that describe the topic area and content of the program) that can occur during a time period (i.e., utilizing scheduling information) within which television programs are broadcast (abstract—reception of TV or data download program; Col. 3, lines 32-63; Col. 4, lines 21-33; and Col. 5, lines 47-48);

evaluating the source information against user information (Col. 4, line 64-Col. 5, line 5—user information) that gives an indication of broadcast events that are of interest to a user (Col. 2, lines 46-53; Col. 5, lines 29-54);

providing a notification (i.e., a reminder) to one or more users if, as a result of said evaluating (i.e., identifying keywords in the PDI that match user defined keywords), it appears that the one or more users would be interested in said one or more broadcast events (Col. 2, lines 46-53; Col. 2, line 61 to Col. 3, line 8; Col. 5, lines 2-10 and lines 57-60; and Col. 6, lines 26-37); and

making one or more broadcast events available to one or more users (Col. 2, line 61-Col. 3, line 8; Col. 5, lines 51-54; and Col. 6, lines 26-38—determining a match corresponds to “if it appears that the one or more users would be interested...”).

Chernock fails to specifically disclose sending a notification to one or more users, the notification being sent via one of: an email; a facsimile or a pager.

In an analogous art, Boyer discloses a method comprising:

receiving source information from at least one source of one or more television programs (¶ 0032-0034 and 0039);

evaluating the source information against user that gives an indication of broadcast events that are of interest to a user (i.e., determining if user selected genre is scheduled and if a reminder should be sent) (§ 0070 and 0048-0051); and

sending a notification (i.e., e-mail reminder) to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in said one or more broadcast events, the notification being sent via one of: an email; a facsimile or a pager (§ 0070 and 0048-0050).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Chernock to include sending a notification to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in said one or more broadcast events, the notification being sent via an email as taught by Boyer for the benefit of providing user's with reminder emails in order to prevent user's from missing the television programs that they desire to watch (Boyer – § 0004-0005).

As for Claims 2 and 8, Chernock and Boyer disclose, in particular Chernock teaches wherein one or more broadcast events do not pertain to information associated with the television programs (abstract and Col. 6, lines 17-20—data download program).

As for Claim 3, Chernock and Boyer disclose, in particular Chernock teaches wherein making one or more broadcasts events available to one or more users

comprises displaying one or more broadcast events for a user (Col. 2, lines 64-65; Col. 5, lines 10-13; Col. 6, lines 30-32—tuning to the selected multimedia presentation).

As for Claims 4, 9, and 14, Chernock and Boyer disclose, in particular Chernock teaches wherein making one or more broadcasts events available to one or more users comprises recording one or more broadcast events for a user (Col. 2, line 66-Col. 3, line 4; Col. 5, lines 10-14; Col. 6, lines 1-11 and 21-25).

As for Claims 5, 10, and 16, Chernock and Boyer disclose, in particular Chernock teaches the method of claim 1, performed by a television set (Col. 3, lines 51-52; Col. 4, lines 46-49).

As for Claims 6, 11, and 17, Chernock and Boyer disclose, in particular Chernock teaches the method of claim 1 performed by a set-top box (Col. 3, line 51; Col. 4, lines 46-49).

Regarding Claim 7, Chernock teaches a method comprising:  
receiving source information (i.e., scheduling and program description information) from at least one source (i.e., broadcast television) of one or more television programs, the source information describing one or more broadcast events (i.e., keywords that describe the topic area and content of the program) that can occur during a time period (i.e., utilizing scheduling information) within which television

programs are broadcast (abstract—reception of TV or data download program; Col. 3, lines 32-63; Col. 4, lines 21-33; and Col. 5, lines 47-48);

evaluating the source information against user information (Col. 4, line 64-Col. 5, line 5—user information) that gives an indication of broadcast events that are of interest to a user (Col. 2, lines 46-53; Col. 5, lines 29-54);

providing a notification (i.e., a reminder) to one or more users if, as a result of said evaluating (i.e., identifying keywords in the PDI that match user defined keywords), it appears that the one or more users would be interested in said one or more broadcast events (Col. 2, lines 46-53; Col. 2, line 61 to Col. 3, line 8; Col. 5, lines 2-10 and lines 57-60; and Col. 6, lines 26-37); and

making one or more broadcast events available to one or more users, the making being performed independent of whether a user is operating a television on which the television programs can be played (Col. 2, line 46 to Col. 3, line 8; Col. 4, line 64 to Col. 5, line 14; Col. 5, lines 51-54; and Col. 6, lines 26-38—automatic scheduling, automatic tuning to the multimedia presentation and automatic recording are all “independent of whether a user is operating a television on which the television programs can be played”).

Chernock fails to specifically disclose sending a notification to one or more users, the notification being sent via one of: an email; a facsimile or a pager.

In an analogous art, Boyer discloses a method comprising:

receiving source information from at least one source of one or more television programs (¶ 0032-0034 and 0039);

evaluating the source information against user that gives an indication of broadcast events that are of interest to a user (i.e., determining if user selected genre is scheduled and if a reminder should be sent) (§ 0070 and 0048-0051); and

sending a notification (i.e., e-mail reminder) to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in said one or more broadcast events, the notification being sent via one of: an email; a facsimile or a pager (§ 0070 and 0048-0050).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Chernock to include sending a notification to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in said one or more broadcast events, the notification being sent via an email as taught by Boyer for the benefit of providing user's with reminder emails in order to prevent user's from missing the television programs that they desire to watch (Boyer – § 0004-0005).

Regarding Claim 12, Chernock teaches a method comprising:

receiving user information from a user, the user information describing one or more broadcast events that can occur during a time period in which television programs are broadcast (Col. 3, lines 48-56; Col. 4, line 64 to Col. 5, line 5; Col. 5, lines 47-54 and Col. 2, lines 46-53—user preference information);

receiving source information (i.e., scheduling and program description information) from one or more sources (i.e., broadcast television) of television programs



(abstract—reception of TV or data download program; Col. 3, lines 32-63; Col. 4, lines 21-33; and Col. 5, lines 47-48);

evaluating the source information to determine whether any of the one or more broadcast events that have been specified by a user occur (Col. 2, lines 46-53; Col. 4, line 64-Col. 5, line 5; Col. 5, lines 51-54); and

if one or more broadcast events occur, sending a notification (i.e., reminder) to one or more users (Col. 2, lines 46-53; Col. 2, line 61 to Col. 3, line 8; Col. 5, lines 2-10 and lines 57-60; and Col. 6, lines 26-37);

making an occurring broadcast event available for a user to watch (Col. 2, line 61-Col. 3, line 8; Col. 5, lines 5-15; Col. 5, lines 51-54; and Col. 6, lines 26-38).

Chernock fails to specifically disclose sending a notification to one or more users, the notification being sent via one of: an email; a facsimile or a pager.

In an analogous art, Boyer discloses a method comprising:

receiving user information from a user, the user information describing one or more broadcast events that can occur during a time period in which television programs are broadcast (§ 0070);

receiving source information from one or more sources of television programs (§ 0032-0034 and 0039);

evaluating the source information to determine whether any of the one or more broadcast events that have been specified by a user occur (i.e., determining if user selected genre is scheduled and if a reminder should be sent) (§ 0070 and 0048-0051);  
and

if one or more broadcast events occur, sending a notification (i.e., e-mail reminder) to one or more users, notification being sent via one of: an email; a facsimile or a pager (§§ 0070 and 0048-0050).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Chernock to include sending a notification to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in said one or more broadcast events, the notification being sent via an email as taught by Boyer for the benefit of providing user's with reminder emails in order to prevent user's from missing the television programs that they desire to watch (Boyer – §§ 0004-0005).

As for Claims 15 and 35, Chernock and Boyer disclose, in particular Chernock teaches wherein the receiving source information, evaluating and making occur independent of whether a television on which programs can be played is turned on for playing programs (Col. 2, lines 46-53; Col. 4, line 64-Col. 5, line 14—automatic scheduling, automatic tuning to the multimedia presentation and automatic recording; Col. 6, lines 30-31—TV is turned on automatically if it is off when the event occurs).

As for Claims 18 and 38, Chernock and Boyer disclose, in particular Chernock teaches wherein the receiving source information, evaluating and making are performed relative to a television program is not currently being displayed (Col. 2, lines 19-22; Col. 5, lines 10-14; Col. 6, lines 30-32).

As for Claims 19 and 39, Chernock and Boyer disclose, in particular Chernock teaches wherein the receiving source information, evaluating and making are performed relative to a television program that is not being played (i.e., automatically tuning the multimedia presentation if the program is a match; Col. 2, lines 19-22 & Col. 5, lines 10-14) and during a time period when a different television program is playing on a television (Col. 6, lines 1-32).

Regarding Claim 20, Chernock teaches a method comprising:

receiving source information (i.e., scheduling and program description information) from at least one source (i.e., broadcast television) of one or more television programs, the source information describing one or more subjects (i.e., keywords that describe the topic area and content of the program, such as sports) that can occur during a time period (i.e., utilizing scheduling information) within which the one or more television programs are broadcast (abstract—reception of TV or data download program; Col. 2, lines 46-52; Col. 3, lines 32-63; Col. 4, lines 21-33; and Col. 5, lines 47-48);

evaluating the source information against user information (Col. 4, line 64-Col. 5, line 5—user information) that gives an indication of subjects that are of interest to a user (Col. 2, lines 46-53; Col. 5, lines 29-54);

providing a first notification (i.e., a reminder) to one or more users if, as a result of said evaluating (i.e., identifying keywords in the PDI that match user defined

keywords), it appears that the one or more users would be interested in a specified television program (i.e., Lakers game) (Col. 2, lines 46-53; Col. 2, line 61 to Col. 3, line 8; Col. 5, lines 2-10 and lines 47-60; and Col. 6, lines 26-37);

providing an additional notification to the one or more users, indicating the occurrence of one or more specific subjects (i.e., sports), wherein each of the one or more specific subjects occurs during a time period within which the specified television program is broadcast (i.e., if a user indicates a interest in "sports" and "Lakers" the user would received notifications of subject, such as sports, and a TV program, such as a Lakers game) (Col. 2, lines 46-53; Col. 2, line 61 to Col. 3, line 8; Col. 5, lines 2-10 and lines 47-60; and Col. 6, lines 26-37); and

making one or more broadcast events available to one or more users (Col. 2, line 61-Col. 3, line 8; Col. 5, lines 51-54; and Col. 6, lines 26-38—determining a match corresponds to “if it appears that the one or more users would be interested...”).

Chernock fails to specifically disclose sending a first and additional notification to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in said one or more broadcast events.

In an analogous art, Boyer discloses a method comprising:

receiving source information from at least one source of one or more television programs, the source information describing one or more subjects (i.e., genre) that can occur during a time period within which the one or more television programs are broadcast (¶ 0032-0034, 0039, and 0070);

evaluating the source information against user that gives an indication of subjects (i.e., genres) that are of interest to a user (i.e., determining if user selected genre is scheduled and if a reminder should be sent) (§ 0070 and 0048-0051);

sending a first notification (i.e., e-mail reminder shown in figure 6) to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in a specified television program (i.e., user enters an exact title and determines if there is a match based on source information) (§ 0070 and 0048-0050); and

sending an additional notification (i.e., e-mail reminder shown in figure 12) to the one or more users, indicating the occurrence of one or more specific subjects (i.e., genres such as science fiction and comedy), wherein each of the one or more specific subjects occurs during a time period within which the specified television program is broadcast (if a user indicates a interest in "comedy" and "Seinfeld" the user would received notifications of subject, such as comedy, and a TV program, such as Seinfeld) (§ 0070 and 0048-0050).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Chernock to include sending a notification to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in said one or more broadcast events as taught by Boyer for the benefit of providing user's with reminder emails in order to prevent user's from missing the television programs that they desire to watch (Boyer – § 0004-0005).

As for Claims 21, and 28, Chernock and Boyer disclose, in particular Chernock teaches wherein said one or more subjects do not pertain to subjects presented in the television programs (abstract and Col. 6, lines 17-20—data download program).

As for Claim 23, Chernock and Boyer disclose, in particular Chernock teaches wherein making one or more subjects available to one or more users comprises displaying information associated with one or more subjects for a user (Col. 2, lines 64-65; Col. 5, lines 10-13; Col. 6, lines 30-32—tuning to the selected multimedia presentation).

As for Claims 24, 29, and 34, Chernock and Boyer disclose, in particular Chernock teaches wherein making one or more subjects available to more or more users comprises recording information associated with one or more subjects for a user (Col. 2, line 66-Col. 3, line 4; Col. 5, lines 10-14; Col. 6, lines 1-11 and 21-25).

As for Claim 25, Chernock and Boyer disclose, in particular Chernock teaches a television set configured to perform met method of claim 20. (Col. 3, lines 51-52; Col. 4, line 47).

As for Claim 26, Chernock and Boyer disclose, in particular Chernock teaches a set-top box configured to perform the method of claim 20 (Col. 3, line 51; Col. 4, line 47).

Regarding Claim 27, Chernock teaches a method comprising:  
receiving source information (i.e., scheduling and program description information) from at least one source (i.e., broadcast television) of one or more television programs, the source information describing one or more subjects (i.e., keywords that describe the topic area and content of the program, such as sports) that can occur during a time period (i.e., utilizing scheduling information) within which the one or more television programs are broadcast (abstract—reception of TV or data download program; Col. 2, lines 46-52; Col. 3, lines 32-63; Col. 4, lines 21-33; and Col. 5, lines 47-48);

evaluating the source information against user information (Col. 4, line 64-Col. 5, line 5—user information) that gives an indication of subjects that are of interest to a user (Col. 2, lines 46-53; Col. 5, lines 29-54);

providing a first notification (i.e., a reminder) to one or more users if, as a result of said evaluating (i.e., identifying keywords in the PDI that match user defined keywords), it appears that the one or more users would be interested in a specified television program (i.e., Lakers game) (Col. 2, lines 46-53; Col. 2, line 61 to Col. 3, line 8; Col. 5, lines 2-10 and lines 47-60; and Col. 6, lines 26-37);

providing an additional notification to the one or more users, indicating the occurrence of one or more specific subjects (i.e., sports), wherein each of the one or more specific subjects occurs during a time period within which the specified television program is broadcast (i.e., if a user indicates a interest in "sports" and "Lakers" the user

would received notifications of subject, such as sports, and a TV program, such as a Lakers game) (Col. 2, lines 46-53; Col. 2, line 61 to Col. 3, line 8; Col. 5, lines 2-10 and lines 47-60; and Col. 6, lines 26-37); and

making one or more subjects available to one or more users, independent of whether a user is watching a television on which the television programs as it is being broadcast (Col. 2, line 46 to Col. 3, line 8; Col. 4, line 64 to Col. 5, line 14; Col. 5, lines 51-54; and Col. 6, lines 26-38—automatic scheduling, automatic tuning to the multimedia presentation and automatic recording are all “independent of whether a user is operating a television on which the television programs can be played”).

Chernock fails to specifically disclose sending a first and additional notification to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in said one or more broadcast events.

In an analogous art, Boyer discloses a method comprising:

receiving source information from at least one source of one or more television programs, the source information describing one or more subjects (i.e., genre) that can occur during a time period within which the one or more television programs are broadcast (¶ 0032-0034, 0039, and 0070);

evaluating the source information against user that gives an indication of subjects (i.e., genres) that are of interest to a user (i.e., determining if user selected genre is scheduled and if a reminder should be sent) (¶ 0070 and 0048-0051);

sending a first notification (i.e., e-mail reminder shown in figure 6) to one or more users if, as a result of said evaluating, it appears that the one or more users would be



interested in a specified television program (i.e., user enters an exact title and determines if there is a match based on source information) (§ 0070 and 0048-0050); and

sending an additional notification (i.e., e-mail reminder shown in figure 12) to the one or more users, indicating the occurrence of one or more specific subjects (i.e., genres such as science fiction and comedy), wherein each of the one or more specific subjects occurs during a time period within which the specified television program is broadcast (if a user indicates a interest in "comedy" and "Seinfeld" the user would received notifications of subject, such as comedy, and a TV program, such as Seinfeld) (§ 0070 and 0048-0050).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Chernock to include sending a first and additional notification to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in said one or more broadcast events as taught by Boyer for the benefit of providing user's with reminder emails in order to prevent user's from missing the television programs that they desire to watch (Boyer – § 0004-0005).

As for Claim 30, Chernock and Boyer disclose, in particular Chernock teaches the method of claim 27, performed by a television set (Col. 3, lines 51-52; Col. 4, line 47).

As for Claim 31, Chernock and Boyer disclose, in particular Chernock teaches the method of claim 27, performed by a set-top box (Col. 3, line 51; Col. 4, line 47).

Regarding Claim 32, Chernock teaches a method comprising:

receiving user information from a user, the user information describing one or more broadcast events that can occur during a time period in which television programs are broadcast (Col. 3, lines 48-56; Col. 4, line 64 to Col. 5, line 5; Col. 5, lines 47-54 and Col. 2, lines 46-53—user preference information);

receiving source information (i.e., scheduling and program description information) from one or more sources (i.e., broadcast television) of television programs (abstract—reception of TV or data download program; Col. 3, lines 32-63; Col. 4, lines 21-33; and Col. 5, lines 47-48);

evaluating the source information to determine whether any of the one or more broadcast events that have been specified by a user occur (Col. 2, lines 46-53; Col. 4, line 64-Col. 5, line 5; Col. 5, lines 51-54);

providing a first notification (i.e., a reminder) to the users if, as a result of said evaluating (i.e., identifying keywords in the PDI that match user defined keywords), it appears that the one or more users would be interested in a specified television program (i.e., Lakers game) (Col. 2, lines 46-53; Col. 2, line 61 to Col. 3, line 8; Col. 5, lines 2-10 and lines 47-60; and Col. 6, lines 26-37);

providing an additional notification to the user, indicating the occurrence of one or more specific subjects (i.e., sports), wherein each of the one ore more specific subjects

occurs during a time period within which the specified television program is broadcast (i.e., if a user indicates a interest in "sports" and "Lakers" the user would received notifications of subject, such as sports, and a TV program, such as a Lakers game) (Col. 2, lines 46-53; Col. 2, line 61 to Col. 3, line 8; Col. 5, lines 2-10 and lines 47-60; and Col. 6, lines 26-37); and

making information associated with an occurring subject available for a user to watch (Col. 4, line 64 to Col. 5, line 14; Col. 5, lines 51-54; and Col. 6, lines 26-38).

Chernock fails to specifically disclose sending a first and additional notification to the user if, as a result of said evaluating, it appears that the user would be interested in a specified broadcast program.

In an analogous art, Boyer discloses a method comprising:

receiving user information from a user, the user information describing one or more broadcast events that can occur during a time period in which television programs are broadcast (§ 0070);

receiving source information from a source of television programs (§ 0032-0034, 0039, and 0070);

evaluating the source information to determine whether any of the one or more broadcast events that have been specified by a user occur (i.e., determining if user selected genre is scheduled and if a reminder should be sent) (§ 0070 and 0048-0051);

sending a first notification (i.e., e-mail reminder shown in figure 6) to the user if, as a result of said evaluating, it appears that the one or more users would be interested

in a specified television program (i.e., user enters an exact title and determines if there is a match based on source information) (§§ 0070 and 0048-0050); and

sending an additional notification (i.e., e-mail reminder shown in figure 12) to the user, indicating the occurrence of one or more specific subjects (i.e., genres such as science fiction and comedy), wherein each of the one or more specific subjects occurs during a time period within which the specified television program is broadcast (if a user indicates a interest in "comedy" and "Seinfeld" the user would received notifications of subject, such as comedy, and a TV program, such as Seinfeld) (§§ 0070 and 0048-0050).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Chernock to include sending a first and additional notification to one or more users if, as a result of said evaluating, it appears that the one or more users would be interested in a specified television program as taught by Boyer for the benefit of providing user's with reminder emails in order to prevent user's from missing the television programs that they desire to watch (Boyer – §§ 0004-0005).

As for Claim 36, Chernock and Boyer disclose, in particular Chernock teaches wherein the receiving source information, evaluating and making are performed by a television (Col. 3, lines 51-52; Col. 4, line 47).

As for Claim 37, Chernock and Boyer disclose, in particular Chernock teaches wherein the receiving, evaluating and making are performed by a set-top box (Col. 3, line 51; Col. 4, line 47).

As for Claims 40-42, Chernock and Boyer disclose, in particular Boyer discloses wherein the notifications are sent to the user via email (¶ 0070).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CHRIS PARRY  
Examiner  
Art Unit 2623

/C. P./  
Examiner, Art Unit 2623

/Christopher Grant/

Supervisory Patent Examiner, Art Unit 2623